

Before Final - Official

Practitioner's Docket No.: 857_034

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Robert B. Hall, Ph.D., Scott L. Kendall, James A. Rand and Paul E. Sims

Ser. No.: 10/529,350

Art Unit: 1793

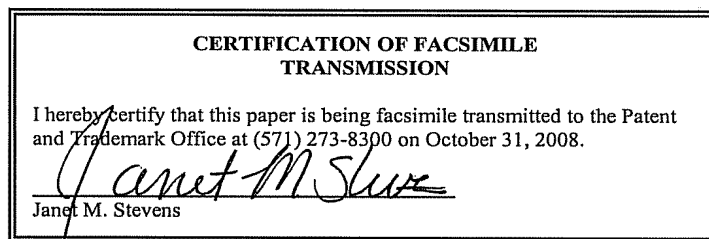
Filed: March 25, 2005

Examiner: Paul A. Wartalowicz

Confirmation No.: 4761

For: METHODS AND SYSTEMS FOR PURIFYING ELEMENTS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed June 12, 2008, applicants hereby provisionally elect, with traverse, to prosecute the claims of Group I (claims 1-24) in this application.

However, applicants respectfully traverse the restriction requirement since the subject matter of claims 1 - 31 is sufficiently related that a thorough and complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims. Thus, it is respectfully submitted that search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is clearly stated that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the

merits." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to applicants and improper duplicative examination by the Patent Office.

In addition, it is respectfully noted that the Applicants disagree with the assertion on page 2 of the Office Action that claim 1 is either obvious over or anticipated by U.S. Patent No. 5,972,107. The U.S. PTO has made no attempt to justify this assertion.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

October 31, 2008

Date



Kevin C. Brown
Reg. No. 32,402

KCB:jms

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 25191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320